

¹Even had these allegations stated a claim, it is unlikely Plaintiff would have Article III standing to pursue it because he has not alleged any particularized and actual injury. In re SuperValu, Inc., 870 F.3d 763, 768 (8th Cir. 2017); Wallace v. ConAgra, 747 F.3d 1025, 1030-33 (8th Cir. 2014). Even in the context of a statutory violation, Article III requires a “concrete injury” that “actually exist[s]” and is “not abstract.” Braitberg v. Charter Commc’ns, Inc., 836 F.3d 925, 930 (8th Cir. 2016) (internal quotation marks and citation omitted).

showing that (1) Plaintiff owns a valid copyright on material that has been posted on, and transmitted by, YouTube; (2) YouTube had knowledge of material that infringed upon Plaintiff's valid copyright; and (3) upon obtaining such knowledge, YouTube failed to expeditiously remove the material. Specifically—and as the court directed in Filing No. [11](#)—Plaintiff has not alleged:

true and specific facts describing the material at issue; establishing that Plaintiff owns a valid copyright on such material; explaining that such material was posted on and transmitted by YouTube and the dates of those occurrences; stating that YouTube knew about the material and how and when it came to know about it; and indicating that when YouTube learned about the infringing material, it failed to quickly remove it.

Therefore, Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted, and this case must be dismissed.

IT IS ORDERED:

1. Plaintiff's Complaint (Filing No. [1](#)) and Amended Complaint (Filing No. [12](#)) are dismissed without prejudice for failure to state a claim upon which relief can be granted.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 2nd day of May, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge